

shall be discussed in draft environmental impact statements and transmitted to appropriate State Single Point of Contact for comments.

(b) Other environmental review and consultation requirements peculiar to NASA, if any, may be identified in the NASA environmental impact implementation handbook.

[44 FR 44485, July 30, 1979, as amended at 53 FR 9763, Mar. 25, 1988]

**§ 1216.321 Environmental effects abroad of major Federal actions.**

(a) In accordance with these procedures and E.O. 12114, "Environmental Effects Abroad of Major Federal Actions" (44 FR 1957), dated January 4, 1979, the Headquarters official shall analyze actions under his/her cognizance with due regard for the environmental effects abroad of such actions. The Headquarters official shall consider whether such actions involve:

(1) Potential environmental effects on the global commons (i.e., oceans and the upper atmosphere);

(2) Potential environmental effects on a foreign nation not participating with or not otherwise involved in the NASA activity;

(3) The export of products or facilities producing products (or emission/effluents) which in the United States are prohibited or strictly regulated because their effects on the environment create a serious public health risk. The Associate Administrator for Management will provide additional guidance regarding the types of chemical, physical, and biological agents involved.

(4) A physical project which, in the U.S., would be prohibited or strictly regulated by Federal law to protect the environment against radioactive substances;

(5) Potential environmental effects on natural and ecological resources of global importance and which the President in the future may designate (or which the Secretary of State designates pursuant to international treaty). A list of any such designations will be available from the Associate Administrator for Management.

(b) Prior to decisions (§ 1216.304) on any action falling into the categories specified in paragraph (a), the Headquarters official shall make a deter-

mination whether such action may have a significant environmental effect abroad.

(c) If the Headquarters official determines that the action will not have a significant environmental effect abroad, he/she shall prepare a memorandum for the record which states the reasoning behind such a determination. A copy of the memorandum shall be forwarded to the Associate Administrator for Management. Note that these procedures do not allow for categorical exclusions (E.O. 12114, section 2-5(d)).

(d) If the Headquarters official determines that an action may have a significant environmental effect abroad, he/she shall consult with the Associate Administrator for Management and the Director, International Relations Division. The Associate Administrator for Management, in coordination with the Director, International Relations Division, shall (as specified in E.O. 12114) make a determination whether the subject action requires:

(1) An environmental impact statement,

(2) Bilateral or multilateral environmental studies, or

(3) Concise reviews of environmental issues.

(e) When informed of the determination of the Associate Administrator for Management, the Headquarters official shall proceed to take the necessary actions in accordance with these implementing procedures.

(f) The Associate Administrator for Management shall, in coordination with the Associate Administrator for External Relations, determine when an affected nation shall be informed regarding the availability of documents referred to in paragraph (d) of this section and coordinate with the Department of State all NASA communications with foreign governments concerning environmental matters as related to E.O. 12114.

[44 FR 44485, July 30, 1979, as amended at 53 FR 9763, Mar. 25, 1988]

**PART 1217—DUTY-FREE ENTRY OF SPACE ARTICLES**

Sec.  
1217.100 Scope.

## § 1217.100

## 14 CFR Ch. V (1–1–97 Edition)

- 1217.101 Applicability.
- 1217.102 Background.
- 1217.103 Authority to certify.
- 1217.104 Procedures.
- 1217.105 Necessary and uniquely associated support equipment.
- 1217.106 Articles returned from space by NASA.

AUTHORITY: Sections 116 and 156 of Pub. L. 97–446, 96 Stat. 2335–2336 and 2345–2346, as amended by section 124(a)(3) of Pub. L. 98–573, 98 Stat. 2976.

SOURCE: 56 FR 47148, Sept. 18, 1991, unless otherwise noted.

### § 1217.100 Scope.

(a) This Part sets forth NASA's policy and procedures with respect to the use of the Administration's authority to certify to the U.S. Commissioner of Customs, for the purpose of duty-free entry of articles into the United States, that such articles to be imported will be launched into space, or are spare parts for such articles, or such articles are necessary and uniquely associated support equipment for use in connection with a launch into space; and to the non-entry status of articles returned from space by NASA.

(b) Communications satellites and parts thereof are not eligible for NASA certification under this Part but may be eligible for duty-free entry pursuant to Subheading 8802.50.30 of the Harmonized Tariff Schedule of the United States.

### § 1217.101 Applicability.

This Part applies to qualifying articles entered or withdrawn from warehouse for consumption in the customs territory of the United States through December 31, 1994, and to articles returned from space by NASA.

### § 1217.102 Background.

In order to encourage and facilitate the use of NASA's launch services for the exploration and use of space, section 116 of Public Law 97–446 provides for the duty-free entry into the United States of certain articles that meet the following two conditions. First, the articles must be imported for NASA for its space-related activities or the articles must be imported by another person or entity for the purpose of meeting its obligations under a launch services agreement with NASA. Second,

NASA must certify to the Commissioner of Customs that the articles to be entered duty-free are to be imported to be launched into space or are spare parts or necessary and uniquely associated support equipment for use in connection with a launch into space. This exemption from duty is provided for in Subheading 9808.00.80, Harmonized Tariff Schedule of the United States [HTSUS] (19 U.S.C. 1202). Also, HTSUS, Chapter VIII, page 98–25, pursuant to section 116 of Public Law 97–446, provides that return of articles by NASA from space to the United States will not be considered an importation, and thus will not be subject to a duty.

### § 1217.103 Authority to certify.

(a) The following NASA officials and their deputies are authorized, under the conditions described herein, to make the certification to the Commissioner of Customs required for the duty-free entry of space articles pursuant to subheading HTSUS 9808.00.80. No further redelegation is authorized.

(1) The NASA Assistant Administrator for Procurement is authorized to issue the certification for articles imported into the United States which are procured by NASA or by other U.S. Government agencies, or by U.S. Government contractors or subcontractors when title to the articles is or will be vested in the U.S. Government pursuant to the terms of the contract or subcontract. Requests for certification should be sent to: Assistant Administrator for Procurement, Attn: HP/Director, Procurement Policy Division, National Aeronautics and Space Administration, Washington, DC 20546.

(2) The NASA Associate Administrator for External Relations is authorized to issue the certification for articles imported into the United States pursuant to international cooperative agreements. Requests for certification should be sent to: Associate Administrator for External Relations, Attn: XI/Director, International Relations Division, National Aeronautics and Space Administration, Washington, DC 20546.

(3) The NASA Associate Administrator for Space Flight is authorized to issue the certification for articles imported into the United States by persons or entities or under agreements

other than those identified in paragraphs (a)(1) and (a)(2) of this section. Requests for certification should be sent to: Associate Administrator for Space Flight, Attn: MC/Director, Customer Services Division, National Aeronautics and Space Administration, Washington, DC 20546.

(b) Each request for certification shall receive the concurrence of the Office of the NASA Chief Financial Officer (CFO)/Comptroller and the Office of the General Counsel. All non-procurement certifications will also receive the concurrence of any affected Program Office(s).

(c) To the extent an authorized NASA official approves a request for certification, that official shall sign a certificate in the following form:

Articles for the National Aeronautics and Space Administration, HTSUS 9808.00.80.

I certify that the articles identified in \_\_\_\_\_ (attached) are articles to be imported to be launched into space, spare parts, or necessary and uniquely associated support equipment for use in connection with a launch into space, in accordance with Subheading 9808.00.80 of the Harmonized Tariff Schedules of the United States.

Name \_\_\_\_\_  
Date \_\_\_\_\_

(d) A blanket certificate for one or more launches for a launch customer is authorized but shall require written verification by a NASA official designated by a Director of a receiving NASA Installation that the articles imported meet the conditions of the certificate. The blanket certificate shall be in the following form but may be reasonably revised to accord with the circumstances:

Articles for the National Aeronautics and Space Administration, HTSUS Subheading 9808.00.80.

I certify that the articles for the launch of \_\_\_\_\_ payload(s) pursuant to the NASA Launch and Associated Services Agreement No. \_\_\_\_\_, dated \_\_\_\_\_ with \_\_\_\_\_, are articles to be launched into space, spare parts, or necessary and uniquely associated support equipment for use in connection with a launch into space, in accordance with Subheading 9808.00.80 of the Harmonized Tariff Schedule of the United States. The necessary and uniquely associated support equipment is identified in \_\_\_\_\_ attached.

Before this certificate is used to obtain duty-free entry of these articles, a cognizant NASA official at the receiving NASA Installation who is designated by the Installation Director shall verify in writing that specifically identified articles to be entered on a particular date are the articles described in this certificate. This verification and this certificate shall be presented to the U.S. Customs Service at the time entry for the particular articles is sought.

Name \_\_\_\_\_  
Date \_\_\_\_\_

With respect to articles represented to be necessary and uniquely associated support equipment, the NASA official issuing the blanket certificate shall review these articles and approve their eligibility for duty-free entry. A description of these articles should be referred to in the blanket certificate and should be attached to it.

#### § 1217.104 Procedures.

(a) Request for certification shall be forwarded to the appropriate NASA official who has authority to certify as provided for in § 1217.103 of this part.

(b) Each request for certification shall be accompanied by:

(1) A proposed certificate as provided for in § 1217.103 of this part;

(2) The information and documentation required by 19 CFR 10.102(a);

(3) A statement with respect to each article (or each class of articles if all items in the class are substantially identical) to establish whether, under a launch services agreement with NASA, the article (i) is to be launched into space; or (ii) is a spare part to an article to be launched into space; or (iii) is necessary and uniquely associated support equipment for use in connection with a launch into space. Identify the launch services agreement, launch vehicle, and launch date(s).

(4) If the article is represented to be necessary and uniquely associated support equipment for use in connection with a launch into space, explain, with respect to each such article or each such class of articles to be imported, (i) why it is necessary and unique; and (ii) if the article may be used in connection with an activity other than a launch into space, whether or not it is intended to be so used. If it may be used in such other activity, NASA shall require of non-U.S. Government

agencies, as a condition to obtaining duty-free entry under this subpart, that the customer agree in the relevant launch agreement not to use or in any manner dispose of those articles in the United States other than in connection with a launch into space; and

(5) The anticipated date of entry and port of entry for each article. If the article is to be transported in bond from the port of arrival to another port of entry in the United States, identify both ports.

(c) The signed certificate and its attachment will be forwarded to the NASA Installation responsible for duty-free entry of the materials. The procedures specified in 19 CFR 10.102 will be followed by the NASA Installation in obtaining duty-free entry at the Customs port of entry. The NASA Installation should ensure that, at the time the articles are to be released after Customs entry, the custody of the imported articles is transferred directly from the carrier or from the U.S. Customs Service to the NASA launch service customer or its agent.

(d) If articles procured under contract by NASA are imported prior to compliance with these procedures and it is essential that the articles be released from Customs custody prior to such compliance, the procedures outlined in 19 CFR 10.101 may be followed by cognizant NASA officials to secure the release of the articles from Customs custody. To the extent applicable, the procedures in § 1217.104 of this part shall be followed when time permits to obtain duty-free entry for the articles released from Customs custody.

**§ 1217.105 Necessary and uniquely associated support equipment.**

The NASA certifying officer should consider the following criteria in determining whether an article is necessary and uniquely associated support equipment for use in connection with a launch into space. Applicability of one or more of the following nonexclusive criteria lends support to the conclusion that the article is necessary and uniquely associated support equipment.

(a) The article has been designed and manufactured solely to support (1) the launch or return of a launch vehicle,

spacecraft (including Space Station), or payload; or (2) the operations or use in space of a launch vehicle, spacecraft (including Space Station), or payload.

(b) A standard article has been modified in a substantial and extraordinary way, considering its physical or functional characteristics, solely to support (1) the launch or return of a launch vehicle, spacecraft (including Space Station), or payload; or (2) the operations or use in space of a launch vehicle, spacecraft (including Space Station), or payload.

(c) The article's potential use is solely to support (1) the launch or return of a launch vehicle, spacecraft (including Space Station), or payload; or (2) the operations or use in space of a launch vehicle, spacecraft (including Space Station), or payload.

(d) The article is available only from a source outside of the United States.

(e) The article is a component of a system purchased outside of the United States.

(f) The article is to be exported from the United States upon completion of its use as support equipment.

**§ 1217.106 Articles returned from space by NASA.**

Pursuant to section 116 of Public Law 97-446, and HTSUS chapter VIII, page 98-25, the return of articles from space by NASA shall not be considered an importation, and an entry of such materials through U.S. Customs shall not be required. This provision is applicable to articles returned from space whether or not the articles were launched into space aboard a NASA vehicle.

**PART 1221—THE NASA SEAL AND OTHER DEVICES, AND THE CONGRESSIONAL SPACE MEDAL OF HONOR**

**Subpart 1221.1—NASA Seal, NASA Insignia, NASA Logotype, NASA Program Identifiers, NASA Flags, and the Agency's Unified Visual Communications System**

**Sec.**

1221.100 Scope.

1221.101 Policy.

1221.102 Establishment of the NASA Seal.

1221.103 Establishment of the NASA Insignia.